

REMARKS

This Office Action is in response to the Office Action mailed on October 10, 2003. Claims 1-29 are pending in the application, claims 15-29 are withdrawn, and claims 1-14 have been examined. Claims 1-5, 7-9 and 11-14 are rejected, and claims 6 and 10 are objected to as being dependent upon a rejected base claim but allowable if rewritten in independent form. Applicants respond to the Office Action as follows.

Response to Claim Rejection - 35 U.S.C. § 112

Claims 5 and 14 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 5 and 14 have been amended, and as amended are believed proper under 35 U.S.C. § 112, second paragraph.

Response to Claim Rejections - 35 U.S.C. § 102

Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hollis U.S. Patent No. 3,969,563. Claim 2 has been canceled, and claim 1 has been amended to recite *inter alia* a resistant infrastructure including an array penetration resistant plates which as amended is not taught nor suggested by Hollis. Reconsideration and withdrawal of the rejection based on Hollis are respectfully requested.

Response to Claim Rejections - 35 U.S.C. § 103

Claims 1-5, 7-9 and 11-12 were rejected under 35 U.S.C. § 102(a) as being unpatentable over Widder U.S. Patent No. 5,072,453 in view of Fortier et al. U.S. Patent No. 4,810,559, and Gould et al. U.S. Patent No. 5,220,263. Claim 2 has been cancelled and claims 1, 3-5, 7-9 and 11-12 as amended recite *inter alia* a material including opposed flexible layers, a seam

connecting a portion of the opposed flexible layers to form an interspatial pocket, and a resistant infrastructure including an array of penetration resistant plates disposed in the interspatial pocket between the opposed flexible layers which is not obvious in view of the recited combination of references including Widder, Fortier and Gould as follows. Widder discloses an adaptable body protection system which includes a bulletproof element or plate (70) removably stored in a pocket element that is releasably mounted on a suspender-like system. As described, the bulletproof element or plate provides protection against gun related injury or death.

Fortier and Gould disclose a cut resistant material or fabric including wear or abrasion resistant platelets to protect against puncture or provide cut resistance. Neither Fortier nor Gould discloses a bulletproof protection or system, and accordingly, there is no basis to modify Widder in view of Fortier or Gould on the basis that neither Gould nor Fortier teach bulletproof plates or elements adaptable for the system of Widder, and thus there is no motivation or basis to combine the references as suggested by the Examiner. Based upon the foregoing the Office Action fails to establish a *prima facie* to reject the claims under 35 U.S.C. § 103.

Claims 13-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Widder in view of Fortier and Gould as applied to claims 1-5, 7-9 and 11-12 above, and further in view of Rousseau U.S. Patent No. 5,789,327. Claims 13-14 have been amended to recite *inter alia* opposed flexible layers formed of a polymer or elastomeric film or material and a seam connecting the opposed flexible layers and a penetration resistant fabric or material floatably disposed in an interspatial pocket thereof as claimed which as amended is not taught nor suggested by the recited combination of references, and accordingly, withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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